

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director
954-797-1101

SUBJECT: Resolution

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CREATION OF A TRANSIT ORIENTED CONCURRENCY SYSTEM IN BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Broward County Commission directed County staff to modify the existing traffic concurrency language of the County Comprehensive Plan to shift the focus away from impact fees geared toward roadway improvements (i.e., widening roads) to a fee based on the impact of the development from a transit perspective (i.e., buses).

Currently, traffic concurrency is regulated at time of plat approval and associated fees must be paid prior to the recordation of the plat. In addition, areas where there is no longer available capacity on affected roadway links must enter into action plans with the County to mitigate any proposed impact. These action plans, in some cases, do not result in desired improvements for the local municipality, as improvements can be made anywhere there is a need, as opposed to the direct nexus to the project.

County staff's proposal would require an amendment to the Transportation Element of the Comprehensive Plan with ultimate approval from the State Department of Community Affairs(DCA). The proposal, as presented, would result in a pay-as-you go system, where, at time of site plan approval, the impact of the development would be calculated as an additional fee to pay to the County. The MPO would ensure that all municipalities received their fair of transit improvements based on their share of the collected funds.

PREVIOUS ACTIONS: None.

CONCURRENCES: None.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Concept Paper

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CREATION OF A TRANSIT ORIENTED CONCURRENCY SYSTEM IN BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie implements a roadway concurrency system as part of its Comprehensive Plan as required by Chapter 163, Florida Statutes; and

WHEREAS, the Broward County Commission proposes to create a County wide transit oriented concurrency system to replace the existing roadway concurrency system; and

WHEREAS, the Town of Davie has a percentage of its population which are transit dependent and would benefit from service improvements as a result of the creation of a County wide transit oriented concurrency system;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby supports the creation of a transit oriented concurrency system and requests that the Town be separated into two districts, one to utilize the new transit-oriented system and the other district to utilize the conventional concurrency system.

SECTION 2. The Town of Davie will work with Broward County to develop the necessary regulating changes to implement such system.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

CREATING A TRANSIT-ORIENTED CONCURRENCY SYSTEM FOR BROWARD COUNTY

A CONCEPT PAPER

Department of Planning & Environmental Protection
Development Management Division

May, 2001

Executive Summary

On August 29, 2000, the Broward County Commission directed staff to study the concept of modifying the County's transportation concurrency system, in order to orient it towards transit improvements. This concept paper describes a general approach that would accomplish that objective, discusses key legal, financial and jurisdictional issues involved, and presents a tentative implementation plan, should the County Commission direct staff to proceed in this direction.

- The focus of a transit-oriented concurrency system would be to have proposed developments contributing a "fair share" towards transit improvements, as mitigation for transportation concurrency, instead of constructing or paying for roadway improvements. This concept is strongly aligned with the County Commission Strategic Goal concerning increasing transit ridership.

Devising a concurrency system based on transit improvements has only recently been made feasible, due to national and State development of meaningful measurement tools to determine the quality of transit service for a given area. These new tools enable transit service standards to be set, much like Level of Service "D" is a concurrency standard for roadways.

Staff is proposing that the County be divided into concurrency districts, called Transportation Concurrency Management Areas (TCMAs) under State law. Each district would either use the new transit-oriented system, or could opt out of the program and use a conventional concurrency system in which the developer implements a project selected from a variety of modes. For the Transit TCMAs, which are the focus of this effort, a developer would pay a fee, proportionate to the transportation impact of the proposed development, to help implement an adopted five-year transit plan.

In order for this to occur, the County Commission, with input from the MPO, would need to adopt a financially feasible five year transit plan, using reasonable projections of expected revenues. A projection of revenue from the new concurrency system would be included. This plan would contain enhancements that would achieve and maintain, within five years, the transit service standards that are set for each Transit TCMA. The County must intend to fund transit, in each District, to achieve the same quality of service that the development community is being asked to contribute towards.

The proposed transit-oriented concurrency would be a "pay-and-go" system, and staff is proposing that the payment be made at the site plan stage, when the specific nature of each development is well-defined. This will enable much more accurate calculation of the expected impact of each project, and eliminate substantial effort currently needed for monitoring and enforcement.

This concurrency concept would replace both the current roadway concurrency system, and the road and transit impact fees currently assessed. Exception areas (such as urban infill) and exemptions (such as *de minimis*) would be eliminated.

The adoption of this type of concurrency system would not, by itself, require additional public funding for transit. The transit service standards adopted by the County Commission for each TCMA would have to be based on a reasonable projection of revenues. Any increase in these standards above current service levels would have to be justified in terms of additional funding sources.

Because this proposed program is unprecedented in the State of Florida, there are a substantial number of legal, fiscal and intergovernmental issues that should be resolved prior to adoption of this proposal.

If the County Commission desires to proceed with implementation, staff has developed a series of steps, and a draft schedule, that could put such a system in place by the middle of 2003. The initial steps suggested to begin this process would be:

- Initiate an amendment to the Transportation Element of the Broward County Comprehensive Plan, which would be a policy statement of the County's intent to pursue this concept;
- Request each municipality to indicate, by October 2001, its preference between a conventional concurrency system and a transit-oriented system;
- Request the MPO, using the input from the municipalities, to recommend a set of concurrency districts by April 2002, along with recommendations for transit service standards for each Transit District; and
- Authorize staff to hire a consultant, during FY 2002, to review the specific Comprehensive Plan amendment establishing this system.